

Sam

in 3/21

kd
D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1

AN ACT ...; relating to: neighborhood electric vehicles. ✓

Analysis by the Legislative Reference Bureau

Under current law, a municipality may, by ordinance, allow the use of a neighborhood electric vehicle on a roadway under its jurisdiction that has a speed limit of 35 miles per hour or less. A "neighborhood electric vehicle" is a motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the federal Department of Energy and that meets certain standards for low-speed vehicles under federal law, but does not include a golf cart. A municipality that enacts an ordinance may also be required to enter into an agreement with, or obtain the consent of, other municipalities with which roadway jurisdiction is shared permitting neighborhood electric vehicles to use or cross the roadway. A municipality that enacts an ordinance may provide for municipal licensing of neighborhood electric vehicles that are used within the municipality.

This bill eliminates municipal licensing of neighborhood electric vehicles and instead requires these vehicles to be registered with the Department of Transportation. The registration fee and biennial registration period are the same as those currently applicable to registration of mopeds.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 341.25 (title) of the statutes is amended to read:

2 **341.25** (title) **Annual and biennial registration fees; ~~biennial~~**
3 **~~motorcycle fees.~~**

History: 1973 c. 67, 90, 270, 333; 1975 c. 39 s. 734; 1975 c. 136; 1977 c. 29 ss. 1422m to 1430, 1654 (7) (a); 1977 c. 288, 418; 1979 c. 34, 221; 1981 c. 20; 1983 a. 175, 243; 1985 a. 65; 1985 a. 208 ss. 7, 8, 11; 1987 a. 212, 403; 1989 a. 31; 1991 a. 39; 1997 a. 27; 1999 a. 9, 80, 142; 2003 a. 33.

4 **SECTION 2.** 341.25 (1) (b) of the statutes is amended to read:

5 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
6 or less, except a specially designed vehicle under s. 341.067, which is designed for the
7 transportation of persons rather than property, and for each neighborhood electric
8 vehicle, a biennial fee of \$23.

History: 1973 c. 67, 90, 270, 333; 1975 c. 39 s. 734; 1975 c. 136; 1977 c. 29 ss. 1422m to 1430, 1654 (7) (a); 1977 c. 288, 418; 1979 c. 34, 221; 1981 c. 20; 1983 a. 175, 243; 1985 a. 65; 1985 a. 208 ss. 7, 8, 11; 1987 a. 212, 403; 1989 a. 31; 1991 a. 39; 1997 a. 27; 1999 a. 9, 80, 142; 2003 a. 33.

9 **SECTION 3.** 341.297 (1) of the statutes is amended to read:

10 341.297 (1) A motorcycle ~~or~~, moped, or neighborhood electric vehicle, as
11 specified in s. 341.25 (1) (b).

History: 1989 a. 31; 1999 a. 142.

12 **SECTION 4.** 349.26 (1) of the statutes is renumbered 340.01 (36r) and amended
13 to read:

14 340.01 (36r) ~~In this section, "neighborhood~~ "Neighborhood electric vehicle"
15 means a ~~self-propelled~~ motor vehicle that has successfully completed the
16 neighborhood electric vehicle America test program conducted by the federal
17 department of energy, and that conforms to the definition and requirements for
18 low-speed vehicles as adopted in the federal motor vehicle safety standards for
19 low-speed vehicles under 49 CFR 571.3 (b) and 571.500. "Neighborhood electric
20 vehicle" does not include a golf cart.

History: 2005 a. 329.

21 **SECTION 5.** 349.26 (2) of the statutes is renumbered 349.26 and amended to
22 read:

Authority to allow the operation
of neighborhood electric vehicles. 3-18

1 349.26 The governing body of any city, town, or village may by ordinance allow
2 the use of a neighborhood electric vehicle on a roadway that has a speed limit of 35
3 miles per hour or less and over which the governing body has jurisdiction. A city,
4 town, or village that passes an ordinance under this section shall enter into an
5 agreement with, or obtain the consent of, each governing body that shares
6 jurisdiction over a roadway within the city, town, or village, to permit neighborhood
7 electric vehicles to use or cross the roadway. ~~An ordinance passed under this section~~
8 ~~may contain a provision for the city, town, or village to license neighborhood electric~~
9 ~~vehicles that are used within the city, town, or village limits.~~ ✓

History: 2005 a. 329.

10 **SECTION 6. Nonstatutory provisions.**

11 (1) Notwithstanding section 341.25 ✓ of the statutes, as affected by this act, and
12 section 341.31 ✓ of the statutes, if a person has licensed, prior to the effective date of
13 this subsection, ✓ any neighborhood electric vehicle in accordance with an ordinance
14 enacted by a city, town, or village ✓ providing for such licensing, the person may
15 register any such neighborhood electric vehicle with the ✓ department of
16 transportation at no additional fee for the current, unexpired registration period.
17 The registration period for the neighborhood electric vehicle shall be deemed to
18 commence from the date that the most recent license issuance or renewal period
19 commenced under the applicable city, town, or village ✓ ordinance.

20 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2185/P1dn

ARG: ^:...

date

Jld

ATTN: Tom Jackson and Paul Nilsen

Please review the attached draft carefully to ensure that it is consistent with your intent.

I find the second sentence of s. 349.26 (2),[✓] stats., quite perplexing. I find the manner in which "roadway" is used to be ambiguous and I cannot decipher when such an agreement is necessary. Do you want this sentence clarified?

I have also stricken a provision in the definition. By definition, a motor vehicle is self-propelled.[✓] See s. 340.01 (35).[✓]

With registration, vehicle emissions testing of neighborhood electric vehicles will be required unless DNR exercises its authority under s. 285.30 (5) (c)[✓] to specify that neighborhood electric vehicles are not subject to emissions testing. (Mopeds and diesel fuel powered vehicles have specific exemptions under s. 285.30 (5).)[✓] Since these vehicles are electric, there should be no need for testing. Do you want to add a specific exemption from testing for these vehicles?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.[✓]

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2185/P1dn
ARG:jld:rs

March 22, 2007

ATTN: Tom Jackson and Paul Nilsen

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Jackson, Tom
Sent: Thursday, March 22, 2007 12:09 AM
To: Gary, Aaron
Cc: Klein, Jonathan
Subject: NEV trailer bill

Gary –

I have been hoping for a response from Senator Breske. Please proceed with a draft that provides:

- NEVs shall be titled, DOT shall title an NEV as it would any other vehicle, fee for an NEV title shall be \$28.50 and DOT shall retain the entire NEV title fee amount; no portion shall go to an Environmental Impact fee or the environmental fund.

- If a person submits to DMV a local registration that is valid (even if it is on the last day of 365 or 730 day registration period), then DMV will exchange that for a state ^{NEV}ATV registration that is valid for the entire normal NEV registration period (no prorating of fee or registration period), which I believe, assuming it is the same as for a moped, would be two years.

This provision will be in place for 24 months after that act's effective date at which time it will sunset.

This provision does not involve the title.

Call with any questions.

Cell 608.516.5382

Schultz office 6.0703

Thank you.

- Tom Jackson

From: Gary, Aaron
Sent: Wednesday, March 21, 2007 10:01 AM
To: Jackson, Tom
Subject: RE: NEV trailer bill

Hi Tom,

I know you're in a hurry to get this draft. If it is okay with you, I will put the draft (per the instructions below - registration) into editing as a "/P1" so you can at least start reviewing that. I can then add the title issue, if necessary, when that part gets resolved. But your initial request is finished and waiting, so I thought I might as well get this part of it out to you. Let me know if you would prefer that I keep holding onto it.

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Jackson, Tom
Sent: Thursday, March 08, 2007 3:29 PM
To: Gary, Aaron
Cc: Nilsen, Paul - DOT; 'skalbers@rucls.net'; Piliouras, Elizabeth; Simatic, Kurt; Klein, Jonathan; 'witynski@lwm-info.org'
Subject: NEV trailer bill

To Gary Aaron, LRB, agary@legis.wi.gov
From Tom Jackson, Senator Dale Schultz, tjackson@legis.wi.gov
Cc Paul Nilsen, DOT
Rep Sheryl Albers
Elizabeth Piliouras, office of Senator Breske
Kurt Simatic, office of Rep. Albers
Jonathan Klein, office of Sen. Schultz
Curt Witynski, League of WI municipalities
Date 8 March 2007
Re NEV bill draft request

This follows my voice mail to you on 7 March. We request a bill draft, trailer legislation to last session's Act 329.

We want to create state registration and end municipal registration. NEVs will be registered in the existing category that includes mopeds.

The contact person for this at DOT is Paul Nilsen, 1-0126.

For the relatively few NEVs already with municipal registration, we want to facilitate transfer of registration by adding a provision so that a holder of a municipal registration can send proof of that to DOT and in return DOT will register the vehicle at no cost for the normal registration period for mopeds.

Due to considerable level of interest, based on inquiries we are receiving from municipalities and law enforcement agencies, please provide me an estimated time frame for returning a draft.

Please contact me with any questions.

Thank you.

Some of the advantages of state registration:

Resolves law enforcement concerns because:

- NEV operators would no longer be in violation of 341.04(1) stats – operating an unregistered motor vehicle
- NEV will become a statutorily defined motor vehicle, facilitating enforcement of rules of the road – a safety concern
- Accident reporting will now be facilitated as required per s. 346.70(4), stats. – also addressing current questions about uninsurability
- Theft investigation and recovery of a stolen/abandoned NEV is facilitated.

An NEV could be operated in any municipality that has enacted an enabling ordinance

Municipalities will be relieved of the administrative burden of registration record management

The moped registration fee is less than what we have seen most municipalities establish

WisDOT agreements per Section 86.32(1), stats with municipalities to facilitate operation of NEVs on or across a state trunk highway or connecting highway is expected to be forthcoming

NEV purchase financing will be facilitated because liens and loan securitization is possible with a registered

motor vehicle.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

07-2185

LRB

3/14/07

H/c from Tom Jackson 6-0703

- Sen. Schultz
- NEV : titling at reduced fee
 - all vehicles now : \$45 incl. \$9 env. impact fee
+ \$7.50 supp title fee
- wants title fee of \$28.50 + no env. + supp fees
- standard title
- is this doable?
- wait to hear back

Gary, Aaron

From: Jackson, Tom
Sent: Wednesday, March 14, 2007 4:41 PM
To: Piliouras, Elizabeth; 'skalbers@rucls.net'
Cc: Nilsen, Paul - DOT; Gary, Aaron; Klein, Jonathan; Simatic, Kurt; Griffiths, Terri; 'witynski@lwm-info.org'
Subject: NEV trailer bill, 14Mar07

To Beth Piliouras, Senator Roger Breske
Representative Sheryl Albers
Cc Nilsen, Gary, Schultz and Albers staff, LWM
From Tom Jackson, Senator Dale Schultz
Date 14 March 2007
Subject Issue in NEV trailer bill drafting

Drafting of an NEV trailer bill to last session's Act 329 is progressing. This email requests an affirmative response from Senator Breske and Representative Albers to a drafting point that has arisen. Please email reply to tjackson@legis.wi.gov. Thank you.

LRB drafting attorney Aaron Gary (261.6926) and DOT attorney Paul Nilsen (261-0126) point out that there are no vehicles for which DOT does registration only without titling. Every vehicle used on road uses a certificate of title. (The only exception is the short list of on-road vehicles exempted from registration under 341.05, none of which vehicles would be generally recognized as passenger conveyance.)

Titling is a one time cost. All vehicles, from mopeds to semi trucks pay the exact same titling fee of \$45 per stat 342.14.

BREAKDOWN OF THE \$45 TITLING FEE

- \$ 28.50 title fee - goes to DOT for processing and creating the record
- \$ 9.00 Environmental impact fee - does not go to DOT (See A. below)
- \$ 7.50 Supplemental Title fee - does not go to DOT (See B. below)

A. The Environmental fee is scheduled to sunset 12/31/07, but the budget at section 3216 proposes to repeal the sunset.

B. The supplemental title fee was created in the 1997 budget, act 27, sometime after the bill was introduced (not part of Governor Thompson's bill). The supplemental title fee collected under s. 342.14(3m) is matched by an equal amount of GPR from the general fund, and both parts are deposited in the environmental fund. See 85.037 and 20.855 (4) (f). WisDOT keeps none of it.

PROPOSED FOR NEV TRAILER BILL

I propose the trailer bill provide:

- NEVs shall be titled
- DOT shall title an NEV as it would any other vehicle
- Fee for an NEV title shall be \$28.50
- DOT shall retain the entire NEV title fee amount; no portion shall go to an Environmental Impact fee or the environmental fund.

The primary argument in support of this reduced title fee is that NEVs are 'green' and have minimal environmental impact.

BENEFITS OF TITLING

Titling provides the vehicle owner with a document of ownership and would require no changes to the manufacturers' practices. There are advantages in that lenders can get their security interests shown on the title document. At my request, DMV will shortly provide further summary of the benefits of vehicle titling.

----- ADVANTAGE TO STATE REGISTRATION

Resolves law enforcement concerns because:

- NEV operators would no longer be in violation of 341.04(1) stats
- operating an unregistered motor vehicle
- NEV will become a statutorily defined motor vehicle, facilitating enforcement of rules of the road - a safety concern
- Accident reporting will now be facilitated as required per s.346.70(4), stats. - also addressing current questions about uninsurability
- Theft investigation and recovery of a stolen/abandoned NEV is facilitated.

An NEV could be operated in any municipality that has enacted an enabling ordinance. Municipalities will be relieved of the administrative burden of registration record management.

The moped registration fee is less than what we have seen most municipalities establish.

WisDOT agreements per Section 86.32(1), stats with municipalities to facilitate operation of NEVs on or across a state trunk highway or connecting highway is expected to be forthcoming.

NEV purchase financing will be facilitated because liens and loan securitization is possible with a registered motor vehicle.



State of Wisconsin
2007 - 2008 LEGISLATURE

TODAY
if
possible

LRB-2185/PZ

ARG:jld:rs

in 3/22

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

Regen

- 1 AN ACT *to renumber and amend* 349.26 (1) and 349.26 (2); and *to amend*
- 2 341.25 (title), 341.25 (1) (b) and 341.297 (1) of the statutes; **relating to:**
- 3 neighborhood electric vehicles.

Analysis by the Legislative Reference Bureau

Under current law, a municipality may, by ordinance, allow the use of a neighborhood electric vehicle on a roadway under its jurisdiction that has a speed limit of 35 miles per hour or less. A "neighborhood electric vehicle" is a motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the federal Department of Energy and that meets certain standards for low-speed vehicles under federal law, but does not include a golf cart. A municipality that enacts an ordinance may also be required to enter into an agreement with, or obtain the consent of, other municipalities with which roadway jurisdiction is shared permitting neighborhood electric vehicles to use or cross the roadway. A municipality that enacts an ordinance may provide for municipal licensing of neighborhood electric vehicles that are used within the municipality.

This bill eliminates municipal licensing of neighborhood electric vehicles and instead requires these vehicles to be registered with the Department of Transportation. The registration fee and biennial registration period are the same as those currently applicable to registration of mopeds.

✓
Insert
ANAL →

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 341.25 (title) of the statutes is amended to read:

2 **341.25 (title) Annual and biennial registration fees; ~~biennial~~**
3 **~~motorcycle~~ fees.**

4 **SECTION 2.** 341.25 (1) (b) of the statutes is amended to read:

5 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
6 or less, except a specially designed vehicle under s. 341.067, which is designed for the
7 transportation of persons rather than property, and for each neighborhood electric
8 vehicle, a biennial fee of \$23.

9 **SECTION 3.** 341.297 (1) of the statutes is amended to read:

✓ 10 341.297 (1) A motorcycle ~~or~~, moped, or neighborhood electric vehicle, as
11 specified in s. 341.25 (1) (b).
insrt 2-11 →

12 **SECTION 4.** 349.26 (1) of the statutes is renumbered 340.01 (36r) and amended
13 to read:

14 340.01 (36r) ~~In this section, "neighborhood~~ "Neighborhood electric vehicle"
15 means a self-propelled motor vehicle that has successfully completed the
16 neighborhood electric vehicle America test program conducted by the federal
17 department of energy; and that conforms to the definition and requirements for
18 low-speed vehicles as adopted in the federal motor vehicle safety standards for
19 low-speed vehicles under 49 CFR 571.3 (b) and 571.500. "Neighborhood electric
20 vehicle" does not include a golf cart.

1 **SECTION 5.** 349.26 (2) of the statutes is renumbered 349.26 and amended to
2 read:

3 **349.26 Authority to allow the operation of neighborhood electric**
4 **vehicles.** The governing body of any city, town, or village may by ordinance allow
5 the use of a neighborhood electric vehicle on a roadway that has a speed limit of 35
6 miles per hour or less and over which the governing body has jurisdiction. A city,
7 town, or village that passes an ordinance under this section shall enter into an
8 agreement with, or obtain the consent of, each governing body that shares
9 jurisdiction over a roadway within the city, town, or village, to permit neighborhood
10 electric vehicles to use or cross the roadway. ~~An ordinance passed under this section~~
11 ~~may contain a provision for the city, town, or village to license neighborhood electric~~
12 ~~vehicles that are used within the city, town, or village limits.~~

13 **SECTION 6. Nonstatutory provisions.**

14 (1) Notwithstanding section 341.25 of the statutes, as affected by this act, and
15 section 341.31 of the statutes, if a person has licensed, prior to the effective date of
16 this subsection, any neighborhood electric vehicle in accordance with an ordinance
17 enacted by a city, town, or village providing for such licensing, the person may

18 register any such neighborhood electric vehicle with the department of
19 transportation at no additional fee for the ^{vehicles' entire initial} ~~current, unexpired~~ registration period.

20 The ^{20th year initial} registration period for the neighborhood electric vehicle shall be deemed to
21 commence from the date that the ^{certificate of registration is issued} ~~most recent license issuance or renewal period~~
22 commenced under the applicable city, town, or village ordinance.

23 (END)

D-Note

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2185/P2ins

ARG:.....

INSERT ANAL:

* Current law generally requires the owner of a vehicle subject to registration to apply for a certificate of title for the vehicle. ✓ A person must generally be eligible for a certificate of title for a vehicle before the person can register the vehicle. A vehicle for which a certificate of title is required may not be operated unless the certificate of title has been ~~issued or applied for~~. An applicant for a certificate of title must pay a fee of \$28.50, plus an environmental impact fee of \$9, ✓ plus a supplemental title fee of \$7.50.

Under this bill, the owner of a neighborhood electric vehicle ✓ must apply for a certificate of title, which controls legal ownership of and interests in the vehicle. The owner must pay the certificate of title fee of \$28.50, ✓ but is not required to pay the environmental impact fee or supplemental title fee. ✓

INSERT 2-11:

SECTION 1. 342.14 (1r) ✓ of the statutes is amended to read:

342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental impact fee of \$9, by the person filing the application. All moneys collected under this subsection shall be credited to the environmental fund for environmental management. This subsection does not apply after December 31, 2007. This subsection ✓ does not apply to an application for a certificate of title for a neighborhood electric vehicle.

History: 1975 c. 39, 297, 422; 1977 c. 29 ss. 1452, 1654 (7) (a); 1977 c. 418; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1987 a. 110; 1989 a. 31, 137, 359; 1991 a. 309; 1993 a. 159; 1995 a. 27; 1997 a. 27; 1999 a. 9, 80; 2001 a. 16; 2003 a. 33; 2005 a. 25.

SECTION 2. 342.14 (3m) ✓ of the statutes is amended to read:

342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with respect to an application under sub. (3) for transfer of a decedent's interest in a vehicle to his or her surviving spouse. The fee specified under this subsection is in

↓

addition to any other fee specified in this section. This subsection[✓] does not apply to an application for a certificate of title for a neighborhood electric vehicle.

History: 1975 c. 39, 297, 422; 1977 c. 29 ss. 1452, 1654 (7) (a); 1977 c. 418; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1987 a. 110; 1989 a. 31, 137, 359; 1991 a. 309; 1993 a. 159; 1995 a. 27; 1997 a. 27; 1999 a. 9, 80; 2001 a. 16; 2003 a. 33; 2005 a. 25.

INSERT 3-19:

(no P) if the city, town, or village license is valid at the time^{that} the person applies for registration with the department of transportation and if the person applies for registration within² two years after the effective date of this subsection^{NO A}

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2185/P2dn

ARG: A:....

date

jcd

ATTN: Tom Jackson

Please review the attached draft carefully to ensure that it is consistent with your intent.

I do not know whether neighborhood electric vehicles (NEVs) contain an odometer. If they do not, I assume that DOT will, by rule, exempt them from odometer disclosure requirements under DOT's authority provided in s. 342.155 (1) (a) and (c) 2.

I assume that NEVs will contain a vehicle identification number and that DOT will not have to affix an assigned number to them. I also assume that a manufacturer's sale of a new NEV will include a manufacturer's "document of origin."

I have not treated ss. 342.15 (4) (a) and 342.34 (1) (c) to add NEVs. Accordingly, upon transfer of ownership, the registration plate will remain on the NEV. Is this consistent with your intent?

This bill will affect NEV dealers. The definition of dealer in s. 340.01 (11) is not limited to licensed dealers under ch. 218. An NEV dealer will generally be subject to s. 342.16; however, I have not amended s. 342.16 (1) (am) to require NEV dealers to process transactions electronically.

The following comments are repeated from the "/P1" drafter's note:

I find the second sentence of s. 349.26 (2), stats., quite perplexing. I find the manner in which "roadway" is used to be ambiguous and I cannot decipher when such an agreement is necessary. Do you want this sentence clarified?

I have also stricken a provision in the definition. By definition, a motor vehicle is self-propelled. See s. 340.01 (35).

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LRB-2185/P2dn
ARG:jld:pg

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

3/23

H/c w/ Tom Jackson

349.26

clarify → roadway issue → take a shot
at reviewing, clarifying

NEU : E/M testing



State of Wisconsin
2007 - 2008 LEGISLATURE

Wanted
by 3/27

LRB-2185/22 P3

ARG:jld:pg

3/23

(RMR)

(D-note)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT *to renumber and amend* 349.26 (1) and 349.26 (2); and *to amend*
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(DOT) ✓
This bill eliminates municipal licensing of neighborhood electric vehicles and instead requires these vehicles to be registered with the Department of Transportation. The registration fee and biennial registration period are the same as those currently applicable to registration of mopeds.

Insert ANAL-A ✓
Current law generally requires the owner of a vehicle subject to registration to apply for a certificate of title for the vehicle. A person must generally be eligible for a certificate of title for a vehicle before the person can register the vehicle. A vehicle for which a certificate of title is required may not be operated unless the certificate

of title has been applied for or issued. An applicant for a certificate of title must pay a fee of \$28.50, plus an environmental impact fee of \$9, plus a supplemental title fee of \$7.50.

Under this bill, the owner of a neighborhood electric vehicle must apply for a certificate of title, which controls legal ownership of and interests in the vehicle. The owner must pay the certificate of title fee of \$28.50, but is not required to pay the environmental impact fee or supplemental title fee.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 341.25 (title) of the statutes is amended to read:

341.25 (title) **Annual and biennial registration fees; biennial motorcycle fees.**

SECTION 2. 341.25 (1) (b) of the statutes is amended to read:

341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, except a specially designed vehicle under s. 341.067, which is designed for the transportation of persons rather than property, and for each neighborhood electric vehicle, a biennial fee of \$23.

SECTION 3. 341.297 (1) of the statutes is amended to read:

341.297 (1) A motorcycle or, moped, or neighborhood electric vehicle, as specified in s. 341.25 (1) (b).

SECTION 4. 342.14 (1r) of the statutes is amended to read:

342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental impact fee of \$9, by the person filing the application. All moneys collected under this subsection shall be credited to the environmental fund for environmental management. This subsection does not apply after December 31, 2007. This

1 subsection does not apply to an application for a certificate of title for a neighborhood
2 electric vehicle.

3 **SECTION 5.** 342.14 (3m) of the statutes is amended to read:

4 342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental
5 title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with
6 respect to an application under sub. (3) for transfer of a decedent's interest in a
7 vehicle to his or her surviving spouse. The fee specified under this subsection is in
8 addition to any other fee specified in this section. This subsection does not apply to
9 an application for a certificate of title for a neighborhood electric vehicle.

10 **SECTION 6.** 349.26 (1) of the statutes is renumbered 340.01 (36r) and amended
11 to read:

12 340.01 (36r) ~~In this section, "neighborhood~~ "Neighborhood electric vehicle"
13 means a self-propelled motor vehicle that has successfully completed the
14 neighborhood electric vehicle America test program conducted by the federal
15 department of energy, and that conforms to the definition and requirements for
16 low-speed vehicles as adopted in the federal motor vehicle safety standards for
17 low-speed vehicles under 49 CFR 571.3 (b) and 571.500. "Neighborhood electric
18 vehicle" does not include a golf cart.

19 **SECTION 7.** 349.26 (2) of the statutes is renumbered 349.26[✓] and amended to
20 read:

21 **349.26 Authority to allow the operation of neighborhood electric**
22 **vehicles.** The governing body of any city, town, or village may by ordinance allow
23 the use of a neighborhood electric vehicle on a roadway that has a speed limit of 35
24 miles per hour or less and over which the governing body has jurisdiction. A city,
25 town, or village that passes an ordinance under this section shall enter into an

✓
Insert
3-21

1 agreement with, or obtain the consent of, each governing body that shares
2 jurisdiction over a roadway within the city, town, or village, to permit neighborhood
3 electric vehicles to use or cross the roadway. An ordinance passed under this section
4 may contain a provision for the city, town, or village to license neighborhood electric
5 vehicles that are used within the city, town, or village limits.

6 **SECTION 8. Nonstatutory provisions.**

7 (1) Notwithstanding section 341.25 of the statutes, as affected by this act, and
8 section 341.31 of the statutes, if a person has licensed, prior to the effective date of
9 this subsection, any neighborhood electric vehicle in accordance with an ordinance
10 enacted by a city, town, or village providing for such licensing, the person may
11 register any such neighborhood electric vehicle with the department of
12 transportation at no additional fee for the vehicle's entire initial registration period
13 if the city, town, or village license is valid at the time that the person applies for
14 registration with the department of transportation and if the person applies for
15 registration within 2 years after the effective date of this subsection. The 2-year
16 initial registration period for the neighborhood electric vehicle shall commence from
17 the date that the certificate of registration is issued.

18 (END)

Handwritten note in a circle: Note

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2185/P3ins
ARG:.....

INSERT ANAL-A:

(no P) The bill also clarifies municipal authority to allow operation of neighborhood electric vehicles on the municipality's roadways.✓ The bill specifies that, if a municipality enacting an ordinance shares jurisdiction with any other municipality or county over a roadway subject to the ordinance, the enacting municipality must obtain the written or oral agreement of the other municipality or county for the use of neighborhood electric vehicles on the roadway. However, no such agreement is required where the areas of shared jurisdiction are limited to intersections of separate roadways. If such an agreement is required for any roadway, no municipal ordinance is valid for that roadway in the absence of such an agreement.✓

INSERT ANAL-B:

the Department of Natural
Resources (DNR)

Current law requires DOT✓ to conduct a motor vehicle emission inspection and maintenance program (I/M program)✓ in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by ~~DNR~~ must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. Certain motor vehicles are exempt from emission inspections, including mopeds, motorcycles, off-road utility vehicles, vehicles powered by diesel fuel, most vehicles exempt from registration, and vehicles for which inspection, in the judgment of the Department of Natural Resources, is not a cost-effective method for attaining and maintaining air quality. NO# DNR

NO# This bill exempts neighborhood electric vehicles from emission inspections.

INSERT 2-1:

SECTION 1. 285.30 (5) (c) of the statutes is amended to read:

285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except that a motor vehicle owned by the United States is not exempt unless it comes under par. (a), (b), (d), (e), (f), (g), (h), or (j), or (k).

History: 1971 c. 164 s. 81; 1977 c. 29 s. 1654 (7) (b); 1979 c. 34 s. 2102 (39) (g); 1979 c. 274; 1981 c. 390; 1983 a. 243; 1987 a. 27; 1991 a. 39; 1993 a. 288; 1995 a. 137; 1995 a. 227 s. 507; Stats. 1995 s. 285.30; 1997 a. 27; 2003 a. 192.

SECTION 2. 285.30 (5) (k) of the statutes is created to read:

285.30 (5) (k) A neighborhood electric vehicle, as defined in s. 340.01 (36r).

(end ins 2-1)

INSERT 3-21:

349.26 Authority to allow the operation of neighborhood electric vehicles. ✓ The governing body of any city, town, or village may by ordinance allow

the use of a neighborhood electric vehicle on a roadway that has a speed limit of 35 miles per hour or less and over which the governing body city, town, or village has

* jurisdiction. ~~A city, town, or village that passes an ordinance under this section shall enter into an agreement with, or obtain the consent of, each governing body that shares jurisdiction over a roadway within the city, town, or village, to permit neighborhood electric vehicles to use or cross the roadway. An ordinance passed under this section may contain a provision for the city, town, or village to license~~

* ~~neighborhood electric vehicles that are used within the city, town, or village limits.~~ ✓

If a city, town, or village that enacts an ordinance under this section shares jurisdiction with any other city, town, or village, or with any county, over a roadway that is subject to an ordinance enacted under this section, the city, town, or village enacting the ordinance shall obtain the written or oral agreement of the governing body of the other city, town, or village, or of the county, for the use of neighborhood electric vehicles on the roadway. ✓ No such agreement is required where the areas of shared jurisdiction are limited to intersections of separate roadways. If such an agreement is required under this section for any roadway, no ordinance enacted

* under this section is valid for that roadway in the absence of such an agreement. ✓

(end ins 3-21)

plain

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date

LRB-2185/P3dn

ARG: ^:...

Jld

ATTN: Tom Jackson

Please review the attached draft carefully to ensure that it is consistent with your intent. ✓

As discussed, the attached draft specifically exempts NEVs from emissions testing and includes my attempt to clarify what is currently s. 349.26 (2) ✓ stats. I believe that the attached draft removes much of the ambiguity from this provision. However, I don't know if the substantive changes are consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2185/P3dn
ARG:jld:nwn

March 26, 2007

ATTN: Tom Jackson

Please review the attached draft carefully to ensure that it is consistent with your intent.

As discussed, the attached draft specifically exempts NEVs from emissions testing and includes my attempt to clarify what is currently s. 349.26 (2), stats. I believe that the attached draft removes much of the ambiguity from this provision. However, I don't know if the substantive changes are consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

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